

**Remarks/Arguments:**

Claims 1, 3-8, 10, 12-16, 18-21 and 24-26 are pending and stand rejected.

By this Amendment, claims 1, 3, 8, 10 and 18 are amended. Support for the claim Amendment can be found throughout the original specification and, for example, the original specification related to FIG. 3.

**Rejection of Claims 1, 3-8, 10, 12-16, 18-21 and 24-26 under 35 U.S.C. §103(a)**

In the Office Action, at page 8, claims 1, 3-8, 10, 12-16, 18-21 and 24-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shinsky et al. (U.S. Patent No. 6,285,398, hereafter referred to as Shinsky) in view of Nortia et al. (U.S. Patent Publication No. 2004/0169767, hereafter referred to as Nortia).

Reconsideration is respectfully requested.

Claim 1 is directed to a method of adjusting image capture parameters of an image-capture capturing device image-capturing device, and recites:

displaying the first and second images, as comparison images;

selecting, by the user, one of the comparison images; processing the raw image data using a third setting of the selected image-capturing parameter for display of a third image;

displaying: (1) the selected one of the first and second images and (2) the third image as further comparison images;

selecting, by the user, one of the further comparison images; and

adjusting current settings of the image-capturing parameters of the image-capturing device to conform with the one of the further comparison images selected by the user.

That is, the user selects one of the comparison images and then selects one of the further comparison images. The further comparison images include one of the first and second images of the comparison images.

**Shinsky Reference**

In the Office Action, at page 9, the Examiner acknowledges that "the reference [the Shinsky reference] fails to distinctly state that first and second images having different image capturing parameters are displayed for user selection and the current settings of the image capturing parameters are adjusted to conform with one of the first and second images selected by a user."

It is submitted that Shinsky does not disclose or suggest the above-mentioned features of claim 1 and, more particularly, selection, by the user, of one of the comparison images (one of the first and second images), display of the selected one of the first and second images and a third image, as further comparison images, and selection by the user of one of the further comparison images to adjust current settings of the image-capturing parameter to conform with the one further comparison image selected by the user.

**Nortia Reference**

In the Office Action, at page 9, the Examiner contends that Nortia discloses that:

[e]ach of the images corresponding to a different exposure setting is displayed on an LCD (51), and when an image with desired exposure is displayed on the LCD (51) a user selects that image by pressing a release button (30) (page 6, paragraphs 119-120). Therefore, first and second images corresponding to different exposure settings are displayed as comparison images for user selection... If the user presses the release button (30), the process goes on to step 45 and the exposure is not further changes (page 6, paragraphs 120-121).

Applicants agree with the Examiner's contention. Nortia teaches that LCD 51 displays a series of captured images with increasing exposure until the user presses the release button 30. At that time the display process is terminated and the process at step 45 protects the image currently stored in buffer memory 82. Nothing in Nortia, however, discloses or suggests (1) display of first and second images, (2) selection of one of those images, (3) display of the

selected image and a third image and (4) selection by the user of one of the selected first and second images or the third image. That is, Nortia does not disclose or suggest the series of selection and display steps, as defined in claim 1. This is because, in Nortia a series of images with increasing exposure is automatically displayed until one is selected by the user. Thus, contrary to recitation in claim 1, the user in Nortia can not make a series of selections (i.e., between comparison images and then between further comparison images).

Accordingly, it is submitted that claim 1 patentably distinguishes over Shinsky in view of Nortia for at least the above-mentioned reasons.

**Claims 10 and 18**

Claims 10 and 18, which include similar but not identical features to those of claim 1, are submitted to patentably distinguish over Shinsky in view of Nortia for at least similar reasons to those of claim 1.

**Claims 3-8, 12-16 and 19-26**

Claims 3-8, 12-16 and 19-26, which include all of the limitations of their respective independent claims, are submitted to patentably distinguish over Shinsky in view of Nortia for at least the same reasons as their respective independent claims.

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### Conclusion

In view of the claim amendments and remarks, Applicant submits the application is in condition for allowance, which action is respectfully requested.

Respectfully submitted,

  
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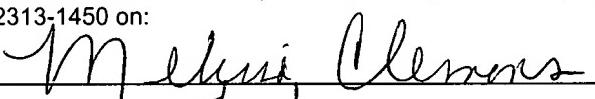
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